

IN THE MATTER OF Licenses Nos. 52465 and 97991

Issued to: RAYMOND F. JONES

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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RAYMOND F. JONES

This appeal comes before me by virtue of Title 46 United States Code 239(g) and 46 Code of Federal Regulations Sec. 137.11-1.

On 18 January, 1950, an Examiner of the United States Coast Guard at Norfolk, Virginia, revoked Licenses Nos. 52465 and 97991 issued to Raymond F. Jones upon finding him guilty of "misconduct" based upon two specifications alleging in substance, that while serving as First Assistant Engineer on board the American M.V. SOUTHERN COUNTIES, under authority of his duly issued license as Second Assistant Engineer, between 27 March, 1949, and 13 May, 1949 and between 21 June, 1949, and 29 September, 1949, he served unlawfully in said capacity by having fraudulently raised the grade of his duly issued license from Second Assistant Engineer to First Assistant Engineer.

At the hearing, Appellant was given a full explanation of the nature of the proceedings and the possible consequences. Although advised of his right to be represented by counsel of his own selection, he elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and each specification.

Thereupon, the Investigating Officer made his opening statement which contained a summary of the investigation into the matter of the forged license.

Appellant stated that he had deliberately raised the grade of his license from Second Assistant Engineer to First Assistant Engineer in order to obtain more money to care for his wife and mother-in-law.

At the conclusion of the hearing, having heard the statements of the Investigating Officer and Appellant, the Examiner found the charge "proved" by plea and entered an order revoking Appellant's Licenses Nos. 52465 and 97991 and all other valid documents, issued by the Coast Guard or any predecessor authority, held by him.

From that order, this appeal has been submitted on behalf of Appellant by the Reverend Joseph V. Brennan, Pastor of the Blessed Sacrament Church at Norfolk, Virginia. As mitigating circumstances, it is stated that the forgery was prompted by

domestic as well as financial difficulties and that Appellant recently received a diploma for his fine record of thirteen years in the Maritime Service.

Based upon my examination of the Record submitted, I hereby make the following

FINDINGS OF FACT

At some time prior to 27 March, 1949, Appellant had been issued a Second Assistant Engineer's License No. 52465 by the Officer in Charge of Marine Inspection at New York and he altered this license to read First Assistant Engineer.

Shipping articles on file in the United States Coast Guard Shipping Commissioner's Office at Norfolk, Virginia, show that Appellant used this altered license to sign on the American MV SOUTHERN COUNTIES as First Assistant Engineer for coastwise voyage between the dates of 27 March, 1949, and 13 May, 1949. The shipping articles of the SOUTHERN COUNTIES also verify that Appellant used this same license to sign articles for foreign voyages as First Assistant Engineer between the dates of 21 June, 1949, and 29 September, 1949. There was no waiver issued for such deficiency for either the coastwise or foreign voyages.

On 24 October, 1949, Appellant executed a lost document affidavit after intentionally burning his License No. 52465 in such a way that the grade of the license was entirely deleted. The application for a duplicate license was filed with a claim that Appellant's Second Assistant Engineer's license had been accidentally destroyed by fire. The unburned portion of License No. 52465 was surrendered at the time the application for a duplicate document was filed. At that time, Appellant was issued Second Assistant Engineer's License No. 97991.

Appellant has been going to sea for more than thirteen years and there is no record of any prior disciplinary action having been taken against him.

OPINION

Appellant has pleaded guilty to the offense of having unlawfully served as First Assistant by means of fraudulently raising the grade of his Second Assistant Engineer license. Title 18 United States Code 2197 makes it unlawful both to alter a license and to knowingly use any such altered license. Appellant has admitted that he is guilty of both of these offenses. By committing the latter offense, he not only violated the Federal statute but endangered the ship and its crew by serving in a capacity for which he was not qualified; thus leaving the ship in an undermanned condition while at sea. Also, as was pointed out by the Examiner, such fraudulent raising of a license to show a higher grade cannot be overlooked for the additional reason that it would have an adverse effect on those merchant mariner's seeking promotion in the proper manner. Condoned offenses of this nature would encourage other seamen to follow the same promotional procedure as did Appellant.

CONCLUSION

It is not felt that the mitigating circumstances offered on appeal are sufficient to necessitate any change in the order imposed. But the fact that Appellant obtained a new Second Assistant Engineer's license and did not alter it indicates to me that he is not likely to again indulge in the practice of changing his license. And since he had an unblemished record for thirteen years, the order shall be modified as follows.

ORDER

It is ORDERED and DIRECTED that the order of the United States Coast Guard Examiner dated 18 January, 1950, be, and the same is hereby modified to provide that Appellant may retain his certificate of service for QMED No. C-95722 and he may be permitted to take the examination for a Third Assistant Engineer's license on or after 18 January, 1951. As so modified, said order is AFFIRMED.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D.C., this 16th day of March, 1950.